

# SUMMONS ISSUED

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**CV<sub>x</sub> 13 - 2690**

STEFAN ROETTGEN,

Plaintiff,

**COMPLAINT**

-against-

Jury Trial Demanded

CITY OF NEW YORK; Police Officer WILLIAM CAMACHO, Shield No. 24431; and JOHN and JANE DOE 1 through 10, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.

x

## NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

## JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331, 1343 and 1367(a).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

## JURY DEMAND

5. Plaintiff demands a trial by jury in this action.

FILED  
CLERK  
2013 MAY -3 PM 1:05  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

## PARTIES

6. Plaintiff Stefan Roettgen ("plaintiff" or "Mr. Roettgen") is a resident of Kings County in the City and State of New York.

7. Defendant City of New York is a municipal corporation organized under the laws of the State of New York. It operates the NYPD, a department or agency of defendant City of New York responsible for the appointment, training, supervision, promotion and discipline of police officers and supervisory police officers, including the individually named defendants herein.

8. Defendant Police Officer William Camacho, Shield No. 24431 ("Camacho"), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Woodard is sued in his individual and official capacities.

9. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

10. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of defendant City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

11. At all times relevant herein, all individual defendants were acting under color of state law.

### **STATEMENT OF FACTS**

12. At approximately 2:10 p.m. on January 6, 2012, plaintiff was lawfully in the vicinity of Franklin Avenue and Crown Street, Brooklyn, NY.

13. Plaintiff was just returning from the doctor's office where his girlfriend was treated.

14. Plaintiff was bereft, because his girlfriend, who was seven months pregnant, had just lost her baby.

15. Plaintiff went into his apartment to retrieve his girlfriends purse while she waited downstairs. As plaintiff exited his building, carrying his girlfriend's purse, several New York City Police Officers approached him.

16. The defendant officers, including Camacho, asked plaintiff whose purse he was carrying, and ordered him to produce identification.

17. Plaintiff complied, and informed the officers that he was carrying his girlfriend's purse.

18. One of the officers screamed at plaintiff, inches from his face, spitting in plaintiff's face.

19. Plaintiff's girlfriend then informed the officers the purse was in fact hers, and she had given plaintiff permission to carry the bag.

20. One of the officers threw plaintiff's identification on the floor and told him to "get lost." Plaintiff told the officer, in some and substance, that he was acting rudely and inappropriately.

21. Plaintiff and his girlfriend then went into a near-by store, and the officers went into their car.

22. Soon thereafter, the same officers entered the store and shoved plaintiff.

23. Despite the fact that they had no probable cause to believe that he had committed any crimes or offenses the officers, pushed plaintiff against a beverage freezer, and placed plaintiff under arrest.

24. Plaintiff was eventually taken to a police precinct.

25. At the precinct the officers falsely informed employees of the Kings County District Attorney's Office that they had observed plaintiff committing crimes and offenses.

26. At no point did the officers observe plaintiff commit any crimes or offenses.

27. From the precinct, plaintiff was taken to Brooklyn Central Booking.

28. Plaintiff was subsequently arraigned in Kings County Criminal Court.

29. After approximately forty-eight hours in custody, plaintiff was released.

30. All criminal charges against plaintiff were dismissed after several court appearances.

31. Plaintiff suffered damage as a result of defendants' actions. Plaintiff was deprived of his liberty, suffered emotional distress, mental anguish, fear, pain, bodily injury, anxiety, embarrassment, humiliation, and damage to his reputation.

**FIRST CLAIM**  
**Unlawful Stop and Search**

32. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

33. Defendants violated the Fourth and Fourteenth Amendments because they stopped and searched plaintiff without reasonable suspicion.

34. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages herein before alleged.

**SECOND CLAIM**  
**False Arrest**

35. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

36. Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiff without probable cause.

37. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages hereinbefore alleged.

**THIRD CLAIM**  
**Malicious Prosecution**

38. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

39. By their conduct, as described herein, and acting under color of state law, defendants are liable to plaintiff under 42 U.S.C. § 1983 for the violation of his constitutional right to be free from malicious prosecution under the Fourth and Fourteenth Amendments to the United States Constitution.

40. Defendants' unlawful actions were done willfully, knowingly, with malice and with the specific intent to deprive plaintiff of his constitutional rights. The prosecution by defendants of plaintiff constituted malicious prosecution in that there was no basis for the plaintiff's arrest, yet defendants continued with the prosecution, which was resolved in plaintiff's favor.

41. As a direct and proximate result of defendants' unlawful actions, plaintiffs have suffered, and will continue to suffer, damages, including physical, mental and emotional injury and pain, mental anguish, suffering, humiliation, embarrassment and loss of reputation.

**FOURTH CLAIM**  
**Unreasonable Force**

42. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

43. The defendants violated the Fourth and Fourteenth Amendments because they used unreasonable force on plaintiff.

44. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

**FIFTH CLAIM**  
**Denial Of Constitutional Right To Fair Trial**

45. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

46. The individual defendants created false evidence against Plaintiff.

47. The individual defendants forwarded false evidence to prosecutors in the Kings County District Attorney's office.

48. In creating false evidence against plaintiff, and in forwarding false information to prosecutors, the individual defendants violated plaintiff's constitutional right to a fair trial under the Due Process Clause of the Fifth and Fourteenth Amendments of the United States Constitution.

49. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

**SIXTH CLAIM**  
**Malicious Abuse Of Process**

50. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.



51. The individual defendants issued legal process to place plaintiff under arrest.

52. The individual defendants arrested plaintiff in order to obtain collateral objectives outside the legitimate ends of the legal process, to wit, to cover up their assault of him.

53. The individual defendants acted with intent to do harm to plaintiff without excuse or justification.

54. As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

**SEVENTH CLAIM**  
**Failure To Intervene**

55. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

56. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

57. Accordingly, the defendants who failed to intervene violated the First, Fourth, Fifth And Fourteenth Amendments.


58. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages hereinbefore alleged.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff respectfully requests judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

DATED: April 29, 2013  
New York, New York



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